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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/713,849	11/15/2000	Daniel Biederman	CISCP671	4811

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EXAMINER	
MAIS, MARK A	

ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 09/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/713,849	BIEDERMAN, DANIEL	
	Examiner	Art Unit	
	Mark A. Mais	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 July 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Miriyala (USP 6,977,898).

3. With regard to claim 1, Miriyala discloses, in a communication network, a method for forwarding data across the network comprising:

associating each of two or more priority levels with different compression levels **[Miriyala discloses a multi-tiered priority scheme wherein regular priority incoming calls can be non-compressed as long as there are no higher priority calls present; if a high priority call comes in and there is sufficient bandwidth available, a customary (non-compressed) connection is made, col. 4, lines 10-15; however, the bandwidth renegotiation scheme causes existing voice calls to adopt different compression schemes to accommodate a new higher priority call, col. 5, lines 18-26]** ;

receiving data **[receiving calls, Abstract]**;

assigning *one of said priority levels* to said data, wherein said priority level is based on a delay tolerance of said data and data supporting real time communication has a *higher* priority level *than data not supporting real time communication* **[if a high priority call (real-time communication) comes in and there is sufficient bandwidth available, a customary (non-compressed) connection is made, col. 4, lines 10-15; otherwise, the bandwidth renegotiation scheme causes existing voice calls to adopt new compression schemes to accommodate the new higher priority call, col. 5, lines 18-26; it is inherent in voice over packet transmission schemes that packets supporting real-time communications (voice) have a higher priority than non-real-time communications]**;

selecting a compression level for said data based on priority level **[priority levels are made between data and voice, col. 1, lines 14-15, and, furthermore, priorities are made between calls (i.e., regular calls and high priority calls), col. 2, lines 40-45 (i.e., more than two priority levels are available, col. 4, lines 44-46); high compression schemes use less bandwidth than low compression schemes, col. 5, lines 15-18, and, therefore, the bandwidth**

renegotiation scheme causes existing voice calls to adopt new compression schemes to support the new higher priority calls, col. 5, lines 18-26]; and

sending said data through said network **[the renegotiation scheme allows the new call to be accommodated within the network (col. 4, lines 19-22) prior to transmission, wherein compression usually accomplished by a DSP, col. 1, line 65 to col. 2, line 2]**.

4. With regard to claim 10, Miriyala discloses, in a digital communication network, a method for forwarding packets across the network comprising:

providing a data compression system having a variable compression level **[priority levels are made between data and voice, col. 1, lines 14-15, and, furthermore, priorities are made between calls (i.e., regular calls and high priority calls), col. 2, lines 40-45 (i.e., more than two priority levels are available, col. 4, lines 44-46); high compression schemes use less bandwidth than low compression schemes, col. 5, lines 15-18, and, therefore, the bandwidth renegotiation scheme causes existing voice calls to adopt new compression schemes to support the new higher priority call, col. 5, lines 18-26]**;

inputting the packets to the data compression system while adjusting the variable compression level for individual ones of the packets responsive to priority level of the packets, wherein said priority level is based on a delay tolerance of said packets and *packets* supporting real time communication *have a higher* priority level *than packets not supporting real time communication* **[Miriyala discloses a multi-tiered priority scheme wherein regular priority incoming calls can be non-compressed as long as there are no higher priority calls present; if a high priority call comes in and there is sufficient bandwidth available, a customary**

(non-compressed) connection is made, col. 4, lines 10-15; however, the bandwidth renegotiation scheme causes existing voice calls to adopt different compression schemes to accommodate a new higher priority call, col. 5, lines 18-26; ; it is inherent in voice over packet transmission schemes that packets supporting real-time communications (voice) have a higher priority than non-real-time communications]; and

sending the packets as compressed through the network **[the renegotiation scheme allows the new call to be accommodated within the network (col. 4, lines 19-22) prior to transmission, wherein compression usually accomplished by a DSP, col. 1, line 65 to col. 2, line 2]**.

5. With regard to claim 11, Miriyala discloses, in a digital communication network, apparatus for forwarding data across the network comprising:

a compression switch that receives the data and assigns a compression level to the data responsive to a priority level of the data, wherein said priority level is based on a delay tolerance of said data and data supporting real time communication has a *higher* priority level *than data not supporting real time communication* **[priority levels are made between data and voice, col. 1, lines 14-15, and, furthermore, priorities are made between calls (i.e., regular calls and high priority calls), col. 2, lines 40-45 (i.e., more than two priority levels are available, col. 4, lines 44-46); high compression schemes use less bandwidth than low compression schemes, col. 5, lines 15-18, and, therefore, the bandwidth renegotiation scheme causes existing voice calls to adopt new compression schemes to support the new higher priority call, col. 5, lines 18-26; ; it is inherent in voice over packet transmission schemes that**

packets supporting real-time communications (voice) have a higher priority than non-real-time communications];

a compression system that compresses the data according to the compression level **[Miriyala discloses a multi-tiered priority scheme wherein regular priority incoming calls can be non-compressed as long as there are no higher priority calls present; if a high priority call comes in and there is sufficient bandwidth available, a customary (non-compressed) connection is made, col. 4, lines 10-15; however, the bandwidth renegotiation scheme causes existing voice calls to adopt different compression schemes to accommodate a new higher priority call, col. 5, lines 18-26]**; and

an output interface that forwards the data across the network as compressed by the compression system **[the renegotiation scheme allows the new call to be accommodated within the network (col. 4, lines 19-22) prior to transmission, wherein compression is usually accomplished by a DSP, col. 1, line 65 to col. 2, line 2]**.

6. With regard to claim 16, Miriyala discloses a computer program product **[inherent because network nodes 102/104 (e.g., controller 116, col. 4, lines 10-14) are running the communication link management application (fig. 1, col. 3, lines 4-10) and stored in memory]** for forwarding data across a network comprising:

code **[inherent]** that assigns a priority level to the data, wherein said priority level is based on a delay tolerance of said data and data supporting real time communication has a *higher* priority level *than data not supporting real time communication; code that selects a compression level for said data based on priority level* **[priority levels are made between data and voice,**

col. 1, lines 14-15, and, furthermore, priorities are made between calls (i.e., regular calls and high priority calls), col. 2, lines 40-45 (i.e., more than two priority levels are available, col. 4, lines 44-46); high compression schemes use less bandwidth than low compression schemes, col. 5, lines 15-18, and, therefore, the bandwidth renegotiation scheme causes existing voice calls to adopt new compression schemes to support the new higher priority call, col. 5, lines 18-26; it is inherent in voice over packet transmission schemes that packets supporting real-time communications (voice) have a higher priority than non-real-time communications];

code that compresses data according to the priority level **[Miriyala discloses a multi-tiered priority scheme wherein regular priority incoming calls can be non-compressed as long as there are no higher priority calls present; if a high priority call comes in and there is sufficient bandwidth available, a customary (non-compressed) connection is made, col. 4, lines 10-15; however, the bandwidth renegotiation scheme causes existing voice calls to adopt different compression schemes to accommodate a new higher priority call, col. 5, lines 18-26]**;

code that sends the data through the network **[the renegotiation scheme allows the new call to be accommodated within the network (col. 4, lines 19-22) prior to transmission, wherein compression usually accomplished by a DSP, col. 1, line 65 to col. 2, line 2]**; and

a computer-readable storage medium that stores the codes **[inherent because network nodes 102/104 (e.g., controller 116, col. 4, lines 10-14) are running the communication link management application (fig. 1, col. 3, lines 4-10) and stored in memory]**.

7. With regard to claim 25, Miriyala discloses a computer program product **[inherent because network nodes 102/104 (e.g., controller 116, col. 4, lines 10-14) are running the communication link management application (fig. 1, col. 3, lines 4-10) and stored in memory]** for forwarding packets across a network comprising:

code **[inherent]** that provides a data compression system having a variable compression level **[priority levels are made between data and voice, col. 1, lines 14-15, and, furthermore, priorities are made between calls (i.e., regular calls and high priority calls), col. 2, lines 40-45 (i.e., more than two priority levels are available, col. 4, lines 44-46); high compression schemes use less bandwidth than low compression schemes, col. 5, lines 15-18, and, therefore, the bandwidth renegotiation scheme causes existing voice calls to adopt new compression schemes to support the new high priority call, col. 5, lines 18-26]**;

code **[inherent]** that inputs the packets to the data compression system while adjusting the variable compression level for individual ones of the packets responsive to priority level of the packets, wherein said priority level is based on a delay tolerance of said packets and *packets* supporting real time communication *have a higher* priority level *than packets not supporting real time communication* **[Miriyala discloses a multi-tiered priority scheme wherein regular priority incoming calls can be non-compressed as long as there are no higher priority calls present; if a high priority call comes in and there is sufficient bandwidth available, a customary (non-compressed) connection is made, col. 4, lines 10-15; however, the bandwidth renegotiation scheme causes existing voice calls to adopt different compression schemes to accommodate a new higher priority call, col. 5, lines 18-26; it is inherent in**

voice over packet transmission schemes that packets supporting real-time communications (voice) have a higher priority than non-real-time communications];

code **[inherent]** that sends the packets as compressed through the network **[the renegotiation scheme allows the new call to be accommodated within the network (col. 4, lines 19-22) prior to transmission, wherein compression usually accomplished by a DSP, col. 1, line 65 to col. 2, line 2]**; and

a computer-readable storage medium that stores the codes **[inherent because network nodes 102/104 (e.g., controller 116, col. 4, lines 10-14) are running the communication link management application (fig. 1, col. 3, lines 4-10) and stored in memory]**.

8. With regard to claim 26, Miriyala discloses, in a data communication network, apparatus for forwarding data across the network comprising:

means for assigning a priority level to the data, wherein said priority level is based on a delay tolerance of said data and data supporting real time communication has a *higher* priority level *than packets not supporting real time communication* **[Miriyala discloses a multi-tiered priority scheme wherein regular priority incoming calls can be non-compressed as long as there are no higher priority calls present; if a high priority call comes in and there is sufficient bandwidth available, a customary (non-compressed) connection is made, col. 4, lines 10-15; however, the bandwidth renegotiation scheme causes existing voice calls to adopt different compression schemes to accommodate a new higher priority call, col. 5, lines 18-26; it is inherent in voice over packet transmission schemes that packets**

supporting real-time communications (voice) have a higher priority than non-real-time communications];

means for selecting the data for data compression responsive to the priority level **[priority levels are made between data and voice, col. 1, lines 14-15, and, furthermore, priorities are made between calls (i.e., regular calls and high priority calls), col. 2, lines 40-45 (i.e., more than two priority levels are available, col. 4, lines 44-46); high compression schemes use less bandwidth than low compression schemes, col. 5, lines 15-18, and, therefore, the bandwidth renegotiation scheme causes existing voice calls to adopt new compression schemes to support the new higher priority call, col. 5, lines 18-26]**; and

means for sending the data through the network **[the renegotiation scheme allows the new call to be accommodated within the network (col. 4, lines 19-22) prior to transmission, wherein compression is usually accomplished by a DSP, col. 1, line 65 to col. 2, line 2]**;.

9. With regard to claim 27, Miriyala discloses, in a packet switched network, apparatus for forwarding packets across the network comprising:

means for compressing data using a variable compression level **[priority levels are made between data and voice, col. 1, lines 14-15, and, furthermore, priorities are made between calls (i.e., regular calls and high priority calls), col. 2, lines 40-45 (i.e., more than two priority levels are available, col. 4, lines 44-46); high compression schemes use less bandwidth than low compression schemes, col. 5, lines 15-18, and, therefore, the bandwidth renegotiation scheme causes existing voice calls to adopt new compression schemes to support the new higher priority call, col. 5, lines 18-26]**;

means for inputting the packets to the compressing means while adjusting the variable compression level for individual ones of the packets responsive to priority level of the packets, wherein said priority level is based on a delay tolerance of said *packets* and *packets* supporting real time communication *have a higher priority level than packets not supporting real time communication* **[Miriyala discloses a multi-tiered priority scheme wherein regular priority incoming calls can be non-compressed as long as there are no higher priority calls present; if a high priority call comes in and there is sufficient bandwidth available, a customary (non-compressed) connection is made, col. 4, lines 10-15; however, the bandwidth renegotiation scheme causes existing voice calls to adopt different compression schemes to accommodate a new higher priority call, col. 5, lines 18-26; it is inherent in voice over packet transmission schemes that packets supporting real-time communications (voice) have a higher priority than non-real-time communications]**; and

means for sending the packets as compressed through the network **[the renegotiation scheme allows the new call to be accommodated within the network (col. 4, lines 19-22) prior to transmission, wherein compression is usually accomplished by a DSP, col. 1, line 65 to col. 2, line 2]**.

10. With regard to claim 2, Miriyala discloses compressing the data only if the priority level is below a threshold **[regular calls are compressed in order to meet threshold bandwidth requirements and to allow the node to accommodate the higher priority call, col. 4, lines 19-22]**.

11. With regard to claim 3, Miriyala discloses

compressing the data according to the priority level prior to sending the data through the network **[the renegotiation scheme allows the new call to be accommodated within the network (col. 4, lines 19-22) prior to transmission, wherein compression usually accomplished by a DSP, col. 1, line 65 to col. 2, line 2]**.

12. With regard to claims 4, 6, 12, 19, and 21, Miriyala discloses

determining the compression level according to an inverse relationship between the compression level and the priority level so that high priority traffic is favored in allocating bandwidth **[if a high priority call comes in and there is sufficient bandwidth available, a customary (non-compressed) connection is made, col. 4, lines 10-15; otherwise, the bandwidth renegotiation scheme causes existing voice calls to adopt new compression schemes to accommodate the new higher priority call, col. 5, lines 18-26]**.

13. With regard to claims 5, 18, and 20, Miriyala discloses

determining a compression level for the data based on the priority level **[priority levels are made between data and voice, col. 1, lines 14-15, and, furthermore, priorities are made between calls (i.e., regular calls and high priority calls), col. 2, lines 40-45 (i.e., more than two priority levels are available, col. 4, lines 44-46); high compression schemes use less bandwidth than low compression schemes, col. 5, lines 15-18, and, therefore, the bandwidth renegotiation scheme causes existing voice calls to adopt new compression schemes to support the new higher priority call, col. 5, lines 18-26]** and network congestion **[depending**

on network congestion (col. 3, lines 54-55), a check is made to determine existing network utilization, col. 4, lines 7-9]; and

compressing said data according to said priority level prior to sending said data through said network **[the renegotiation scheme allows the new call to be accommodated within the network (col. 4, lines 19-22) prior to transmission, wherein compression usually accomplished by a DSP, col. 1, line 65 to col. 2, line 2]**.

14. With regard to claims 7, 13, 16, and 22, Miriyala discloses

setting a threshold priority level for compression eligibility based on network congestion **[priority levels are made between data and voice, col. 1, lines 14-15, and, furthermore, priorities are made between calls (i.e., regular calls and high priority calls), col. 2, lines 40-45 (i.e., more than two priority levels are available, col. 4, lines 44-46); high compression schemes use less bandwidth than low compression schemes, col. 5, lines 15-18, and, therefore, the bandwidth renegotiation scheme causes existing voice calls to adopt new compression schemes to support the new higher priority call, col. 5, lines 18-26]**; and

compressing the data only if the priority level is below the threshold **[regular calls are compressed in order to meet threshold bandwidth requirements and to allow the node to accommodate the high priority call, col. 4, lines 19-22]**.

15. With regard to claims 8, 15, and 24, Miriyala discloses that the priority level corresponds to a quality of service class **[it is inherent within an ATM system, described in Miriyala (col. 3, lines 10-13), that quality of service classes correspond to priority levels. For example, as**

described for claims 1, 11, and 16 above, respectively, priority levels between data transfer (non-delay sensitive) and voice transfer (delay sensitive) are necessarily different. Moreover, even among voice calls, high priority calls have priority over regular calls wherein regular calls are subject to be compressed for bandwidth utilization/accommodation].

16. With regard to claims 9, 14, and 23, Miriyala discloses that the data comprises a packet **[ATM packets using ATM protocol, col. 1, lines 24-27]**.

17. With regard to claim 28, Miriyala discloses that the data compression comprises at least three different levels of compression corresponding to three different priority levels **[Miriyala discloses several compression schemes which are negotiated dynamically (col.. 5, lines 40-41), depending on the priority level (i.e., one of several particular call compressions, default compression, etc., col. 4, lines 50-55) in order to free up bandwidth for new calls as well as for a high priority call, col. 5, lines 18-26]**.

18. With regard to claim 29, Miriyala discloses that data having a low priority level assigned thereto has a higher compression level **[priority levels are made between data and voice, col. 1, lines 14-15, and, furthermore, priorities are made between calls (i.e., regular calls and high priority calls), col. 2, lines 40-45 (i.e., more than two priority levels are available, col. 4, lines 44-46); high compression schemes use less bandwidth than low compression schemes, col. 5, lines 15-18, and, therefore, the bandwidth renegotiation scheme causes**

existing voice calls to adopt new compression schemes to support the new higher priority call, col. 5, lines 18-26] and a longer processing delay than data having a higher priority assigned thereto **[higher compression ratios require more processing delay over lower (or no) compression ratios, col. 2, lines 18-22]**.

Response to Arguments

19. Applicant's arguments filed July 12, 2006 have been fully considered but they are not persuasive.

20. With respect to claims 1, 10, 11, 16, and 25-27, Applicant's representative argues that Miriyala is concerned only with voice calls (real time communications) and that Applicant's invention assigns priority levels based on the delay tolerance of the data and distinguishes between real time communication and non-real-time communications **[Applicant's Amendment dated July 12, 2006, page 8, lines 18-22]**. The examiner respectfully disagrees.

21. As stated above in the rejections of claims 1, 10, 11, 16, and 25-27, Miriyala discloses a multi-tiered priority scheme wherein regular priority incoming calls can be non-compressed as long as there are no higher priority calls present; if a high priority call comes in and there is sufficient bandwidth available, a customary (non-compressed) connection is made **(col. 4, lines 10-15)**. However, the bandwidth renegotiation scheme causes existing voice calls to adopt different compression schemes to accommodate a new higher priority call **(col. 5, lines 18-26)**. It

is inherent in voice over packet transmission schemes that packets supporting real-time communications (voice) have a higher priority than non-real-time communications.

22. Moreover, *arguendo,* if amended claims 1, 10, 11, 16, and 25-27 were meant to encompass a compression scheme that locks one compression scheme to one priority level (versus only associating different priority levels to different compression schemes based on real-time and non-real time communications), such a limitation is absent. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., locking several different compression schemes to different priority levels based on both real-time/non-real-time communications and priorities within real-time communications) are not recited in the rejected claim. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

23. With respect to claim 9, Applicant's representative argues that Miriyala et al. transmits ATM cells and therefore does not forward data comprising a packet **[Applicant's amendment dated July 12, 2006, page 9, lines 1-3]**. The examiner respectfully disagrees.

24. As stated above in the rejection for claim 9, Miriyala transmits ATM packets using ATM protocol **[col. 1, lines 24-27]**. ATM packets are interpreted by the examiner the same as any other packet used in a packet-based network which can distinguish between data and voice

communications **[col. 1, lines 14-15]**. Such an interpretation is in line with the convention used by those of ordinary skill in the art.

25. With respect to claim 13, Applicant's representative argues that Miriyala does not disclose a network congestion monitor **[Applicant's amendment dated July 12, 2006, page 9, lines 11-14]**. The examiner respectfully disagrees.

26. As stated above for claim 13, priority levels are made between data and voice **(col. 1, lines 14-15)**. Furthermore, priorities are made between calls (i.e., regular calls and high priority calls) **(col. 2, lines 40-45)**. More than two priority levels are available **(col. 4, lines 44-46)**. High compression schemes use less bandwidth than low compression schemes **(col. 5, lines 15-18)**. Therefore, the bandwidth renegotiation scheme causes existing voice calls to adopt new compression schemes to support the new higher priority call **(col. 5, lines 18-26)**. Contrary to Applicant's representative's assertion that Miriyala, apparently, does not estimate the network congestion, Miriyala must *necessarily* estimate congestion in order to distinguish priorities between data and voice **(col. 1, lines 14-15)**, as well as determine a compression scheme for receiving a new higher priority call while servicing other calls **(col. 5, lines 18-26)**.

Conclusion

27. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

28. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

(a) Kurtz (USP 7,061,885), Base station for compressing and transmitting high speed data.

(b) Kurtz (USP 6,888,815), Subscriber unit for compressing and transmitting high speed data.

(c) Kurtz (USP 7,061,885), Method for subscriber unit compressing and transmitting high speed data.

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Mais whose telephone number is 572-272-3138. The examiner can normally be reached on M-Th 5am-4pm.

31. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

32. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MAM
August 23, 2006

Seema S. Rao
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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600